

CRIMINAL DISTRICT OF LOUISIANA COURT OF GENERAL SESSIONS

CIVIL DIVISION

STATE OF LOUISIANA,

Plaintiff,

v.

CLAY L. SHAW,

Defendant.

Criminal No. 325-69A

ORDER

This cause came on for hearings pursuant to orders entered by this Court on the 8th day of January 1969 and the 7th day of February 1969 issued upon the application of the State of Louisiana under the authority of 23 D.C. Code 802, that Dr. James B. Rhoads, Archivist of the United States, appear in this Court and show cause why he should not be required to appear as a witness in the Criminal District Court, Parish of Orleans, in the case of State of Louisiana v. Clay L. Shaw, No. 198-059, and to take with him certain x-rays and photographs of the deceased John F. Kennedy taken on November 22, 1963 at the United States Naval Hospital at Bethesda, Maryland. These materials are presently in the custody of Dr. Rhoads as are certain other items also sought by the State of Louisiana as described in the certificate of Edward A. Haggerty, Jr., Judge of Section "C" of the Criminal District Court of the Parish of Orleans executed by him on January 21, 1969 and filed with this Court. Upon consideration of the pleadings and exhibits filed by the parties to this proceeding, and after argument of counsel made in open court, and the Court being fully informed in the premises and the Court having afforded Dr. Rhoads and those acting in privy with him an opportunity, up to 4 P.M. the 17th day of February 1969, to allow Dr. Cyril H. Wecht, a potential witness for the State of Louisiana in the Clay L. Shaw trial, to examine and study the aforesaid x-rays and photographs in the Archives building, and the respondent Dr. Rhoads not having done so, and it appearing to the Court that this Court has jurisdiction over this proceeding and further, that questions of statutory privilege not to produce any or all such items must be raised in the requesting forum; and further, that in the light of the said ruling this court has not considered or determined issues of fact relating to such claims of privilege, and it appearing to the court that the said Dr. Rhoads, in his capacity as Archivist of the United States and custodian of certain of the items sought by the State of Louisiana is a necessary and material witness in the trial of the case of the State of Louisiana v. Clay L. Shaw which criminal trial is now pending in Section "C" of the Criminal District Court for the parish of Orleans, State of Louisiana, and it further appearing to the court that the presence of Dr. Rhoads as witness for the State of Louisiana is requested, and that the laws of the State of Louisiana where said prosecution is now in progress, and of any other state or states through which the said Dr. Rhoads is a witness in attending said trial may be required to pass by the ordinary course of travel, give him protection from arrest and the service of civil and criminal process while in the State of Louisiana or going to or passing through said State or other states in obedience to an order directing him to go attend and testify in the State of Louisiana and while returning therefrom, all of which appears from the certificate of Judge Edward A. Haggerty, Jr., Judge of Section "C" of the Criminal District Court of the Parish of Orleans, State of Louisiana, which Court is a court of record, it is this 17th day of February, 1969.

ORDERED that Dr. James B. Rhoads, or his designated agent, appear in the State of Louisiana, Parish of Orleans, and there give testimony in Section "C" of the Criminal District Court of the Parish of Orleans in the trial of State of Louisiana v. Clay L. Shaw, and that he take with him the photographs and x-rays taken at the autopsy of the late President John F. Kennedy, and now in the custody of the said Archivist, and the items (a), (b), (j), (l), and (m), as described in the certificate of Judge Edward A. Haggerty, Jr., executed on January 21, 1969, and it is

FURTHER ORDERED that the aforementioned items are to remain in the possession and control of the Archivist, or his designated agent, at all times, and are not to be tampered with, mutilated, test-fired, or in any way whatsoever changed in form or content, and at the conclusion of said trial in the Criminal District Court are to be returned to the Archiver in their present condition.

This order is entered upon the representation in open court by a representative of the office of the District Attorney, Parish of Orleans, that these conditions will be honored and upon receipt by the Court of the assurance of the Criminal District Court in said Parish on this day that the above conditions of this order will be honored, and it is

FURTHER ORDERED that this Order is stayed until such time as the District Attorney of Orleans Parish gives the Archivist written notification of at least 48 hours in advance of his desired appearance in New Orleans to testify in the above-captioned matter.

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JUDGE

Dated: February 17, 1969